

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIAKENNETH ALLAN COOPER,  
Plaintiff,

v.

KATHLEEN ALLISON, et al.,  
Defendants.

Case No. 21-00404 BLF (PR)

**ORDER GRANTING REQUEST  
FOR VOLUNTARY DISMISSAL**

(Docket No. 5)

On January 15, 2021, Plaintiff, proceeding *pro se*, filed a civil rights action pursuant to 42 U.S.C. § 1983. Dkt. No. 1. On January 29, 2021, Plaintiff filed a notice of voluntary dismissal requesting the instant action be dismissed because it is a duplicate of an earlier filed action under Case No. 20-04658 BLF. Dkt. No. 5. Plaintiff states that he sent another copy of the same complaint when he did not receive a response from the Court for several weeks. *Id.*

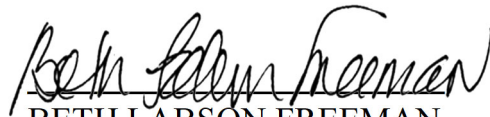
A plaintiff has the absolute right to dismiss his or her action by filing a notice of dismissal “at any time before service by the adverse party of an answer or of a motion for summary judgment.” Fed. R. Civ. P. 41(a)(1)(i). Said dismissal may be with or without prejudice, but unless plaintiff’s notice of dismissal states otherwise, it is deemed to be

1 “without prejudice.” *See* Fed. R. Civ. P. 41(a)(1); *Humphreys v. United States*, 272 F.2d  
2 411, 412 (9th Cir. 1959).

3 Based on the foregoing, Plaintiff’s request for voluntary dismissal is **GRANTED**.  
4 *Id.* This action is **DISMISSED** without prejudice. The Clerk shall terminate all pending  
5 motions and close the file.

6 **IT IS SO ORDERED.**

7 Dated: February 19, 2021

  
BETH LABSON FREEMAN  
United States District Judge

United States District Court  
Northern District of California

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